



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

August 22, 2019

By ECF

Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Natural Resources Defense Council, Inc. v. U.S. Environmental Protection Agency*,
No. 18 Civ. 7489 (VSB)

Dear Judge Broderick:

This Office represents the U.S. Environmental Protection Agency (“EPA”) in the above-referenced matter. Pursuant to the Court’s Order dated June 25, 2019, ECF No. 21, the parties submit this joint status letter. In addition, for the reasons set forth below, the parties respectfully propose that they be directed to submit a further joint status letter, to be filed no later than September 27, 2019, and that the scheduling of any initial conference or case management deadlines be postponed in the interim.

Plaintiff Natural Resources Defense Council commenced this action pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking certain records related to the pesticide tetrachlorvinphos. In accordance with the schedule set forth in the parties’ October 25, 2018 joint status letter, and applying the list of potential custodians, date ranges, and search terms agreed upon by the parties, EPA identified approximately 3,000 potentially responsive records. The agency has now completed its review of more than 2,400 potentially responsive records. Pursuant to an agreement between the parties, as described in their April 24, 2019 joint status letter, EPA anticipates that it will review the remaining records during the next five weeks, and that it will finish processing the remaining records and produce any responsive, non-exempt records on or before September 24, 2019.¹ In anticipation of the production schedule concluding, Plaintiff has proposed that EPA provide a draft index of the records the agency is withholding in full pursuant to any FOIA exemptions. The parties respectfully propose that, if their request to submit an additional status letter next month is granted, they will include further detail on the status of this proposal in next month’s letter.

¹ Under the parties’ agreement, the processing schedule runs through October 17, 2019. However, EPA anticipates that it can complete its processing of the remaining records in little over one month, and instead proposes, with Plaintiff’s consent, making a final production on September 24, 2019, rather than an interim production on September 17, and a final production on October 17, 2019.

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Accordingly, the parties propose the filing of a further status letter advising the Court on the status of the production and any draft index, to be filed no later than September 27, 2019, and the postponement of any initial conference or case management deadlines in the interim.

I thank the Court for its consideration of this request.

Respectfully,

GEOFFREY S. BERMAN
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